

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

WILLIAM E. ENGELBERT, et al.

Plaintiffs,

V.

MAINFREIGHT, INC.

Defendant.

Civil Action No. 11-3430 (KM)

REPORT AND RECOMMENDATION

The Court, by Order filed on December 16, 2013 [ECF No. 79], having required opt-in Plaintiffs Rebecca Hagler and Lisa Hall to appear in person before the Undersigned on December 30, 2013 for a hearing on Plaintiffs' counsel's motion to withdraw from representing them,¹ and to determine whether Ms. Hagler and Ms. Hall intended to continue to prosecute their claims in this matter;

and the December 16, 2013, Order having made clear that failure to appear would result in the issuance of an Order to Show Cause as to why Ms. Hagler's and Ms. Hall's claims should not be dismissed for failure to prosecute pursuant to Fed. R. Civ. P. 41;

and Ms. Hall and Ms. Hagler having failed to appear for the December 30, 2013, conference despite having been informed of it, see ECF Nos. 80, 81;

and the Court, by Order filed on December 31, 2013 [ECF No. 81], having required opt-in Plaintiffs Lisa Hall and Rebecca Hagler to submit, by January 30, 2014, a letter “showing cause why their claims in this matter should not be dismissed as a result of their failure to

¹ Plaintiffs' counsel sought to withdraw from representing Ms. Hagler and Ms. Hall because they had failed to communicate with counsel to prosecute this matter or to inform counsel whether they intended to continue to prosecute this matter. See Certification of Christine Clarke, Nov. 20, 2013, ECF No. 73-2, *ππ4-12*.

prosecute this action or comply with the Court's December 16, 2013, Order," see Order, Dec. 31, 2013, ECF No. 81;

and the December 31, 2013, Order, having advised Ms. Hall and Ms. Hagler that failure to respond to the December 31, 2013, Order by January 30, 2014, would result in the issuance of a Report and Recommendation that the United States District Judge dismiss Ms. Hall's and Ms. Hagler's claims for failure to prosecute under Fed. R. Civ. P. 41;

and it appearing that as of the issuance of this Report and Recommendation, neither Lisa Hall nor Rebecca Hagler has complied with the December 31, 2013, Order;

and it therefore appearing that neither Ms. Hall nor Ms. Hagler intends to prosecute her claims in this matter, despite having been afforded numerous opportunities to express an intention to do so;

and it therefore appearing that Ms. Hall and Ms. Hagler have abandoned their claims in this matter;

the Undersigned hereby RECOMMENDS on this 25th day of February 2014, that the United States District Judge dismiss the claims of opt-in Plaintiffs Lisa Hall and Rebecca Hagler for failure to prosecute this matter pursuant to Fed. R. Civ. P. 41(b).

The parties are hereby notified that they have fourteen days to file and serve objections to this Report and Recommendation pursuant to 28 U.S.C. § 636 and L. Civ. R. 71.1(c)(2).

s/ Michael A. Hammer
United States Magistrate Judge